

1 TODD A. NOAH (SBN 152328)
2 PAUL K. TOMITA (SBN 188096)
DERGOSITS & NOAH LLP
Four Embarcadero Center, Suite 1450
3 San Francisco, California 94111
Tel: (415) 705-6377
4 Fax: (415) 705-6383
E-mail: tnoah@dergnoah.com
ptomita@dergnoah.com

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6 Attorneys for Plaintiff MMJK, INC.
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 MMJK, INC.) Case No. C 07 03236 BZ
11 Plaintiff,)
12 vs.) **OBJECTIONS OF PLAINTIFF MMJK,
13**) **INC. TO EVIDENCE PROFFERED BY
14**) **DEFENDANT ULTIMATE BLACKJACK
15**) **TOUR, LLC.**
16)
17) **Date: August 15, 2007**
18) **Time: 10:00 a.m.**
19) **Location: Courtroom G**
20) **Honorable Bernard Zimmerman**
21)
22)
23)
24)
25)
26)
27)
28)

1 Plaintiff MMJK, Inc. ("MMJK") hereby objects to the evidence proffered by Defendant Ultimate
 2 Blackjack Tour, LLC ("UBT") in support of its motion for preliminary injunction as follows:

3 **OBJECTIONS TO DECLARATION OF SANFORD I. MILLAR**

- 4 1. MMJK objects to the following sentence on page 2, lines 1 through 2:

5 "Finally, I will discuss the fact that Plaintiff's website www.bet.zip.com is likely an
 6 illegal gambling site."

7 The grounds for this objection are lack of foundation for personal knowledge and improper lay
 8 opinion. Federal Rules of Evidence 104 and 701.

9 **Sustained:** _____

Overruled: _____

- 10 2. MMJK objects to the following sentence on page 2, lines 5 through 7:

11 "I am aware that Plaintiff is in no position realistically to capture any share of the market
 12 if this Court enjoins our business as requested in Plaintiff's motion."

13 The grounds for this objection are lack of foundation for personal knowledge and improper lay
 14 opinion. Federal Rules of Evidence 104 and 701.

15 **Sustained:** _____

Overruled: _____

- 16 3. MMJK objects to the following sentence on page 3, lines 25 through 27:

17 "If this injunction is granted, CBS will likely elect not to air the show or not to air
 18 commercials advertising www.ClubUBT.com. All of this will then also have a chilling
 19 effect on all advertisers and on "Club" membership growth."

20 The grounds for this objection are lack of foundation for personal knowledge and improper lay
 21 opinion. Federal Rules of Evidence 104 and 701.

22 **Sustained:** _____

Overruled: _____

- 1 4. MMJK objects to the following sentence on page 4, lines 3 through 5:
2 “Any delay in getting our product to market, to say nothing of the delay caused by a
3 preliminary injunction, will absolutely cause substantial lost revenue, excessive
4 expenses, lost reputation and lost goodwill.”

5 The grounds for this objection are lack of foundation for personal knowledge and improper lay
6 opinion. Federal Rules of Evidence 104 and 701.

7
8 **Sustained:** _____ **Overruled:** _____
9

- 10 5. MMJK objects to the following sentence on page 4, lines 19 through 22:
11 “Our combined losses as a result of an injunction would be in excess of \$15 million,
12 composed as follows: television production and related expenses of \$6 million, lost
13 advertising revenue and barter value, overhead cost, marketing and redesigning totaling
14 an additional \$9 million.”

15 The grounds for this objection are lack of foundation for personal knowledge and improper lay
16 opinion. Federal Rules of Evidence 104 and 701.

17
18 **Sustained:** _____ **Overruled:** _____
19

- 20 6. MMJK objects to the following sentence on page 5, lines 2 through 4:
21 “If law enforcement in fact determines that AMOE is illusory because it is more
22 beneficial for the customer to pay to play than prohibition is unlikely. The AMOE must
23 have “equal dignity” with the paid entry.”

24 The grounds for this objection are lack of foundation for personal knowledge and improper lay
25 opinion. Federal Rules of Evidence 104 and 701.

26
27 **Sustained:** _____ **Overruled:** _____
28

7. MMJK objects to the following sentence on page 6, lines 2 through 3:

“Therefore, Plaintiff is likely operating an illegal gambling site.”

The grounds for this objection are lack of foundation for personal knowledge and improper lay opinion. Federal Rules of Evidence 104 and 701.

Sustained:

Overruled:

Dated: August 1, 2007

DERGOSITS & NOAH LLP

By: /s/ Todd A. Noah

Todd A. Noah

Attorneys for Plaintiff MMJK, INC.